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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,328	12/12/2003	Mohammed Shaarawi	200309536-1	1352

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

RAYMOND, BRITTANY L

ART UNIT	PAPER NUMBER
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1795

NOTIFICATION DATE	DELIVERY MODE
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10/29/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/734,328	Applicant(s) SHAARAWI ET AL.	
	Examiner BRITTANY RAYMOND	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-52 is/are pending in the application.
- 4a) Of the above claim(s) 53 and 54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the appeal brief filed on 7/21/2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Mark F. Huff/

Supervisory Patent Examiner, Art Unit 1795.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1, 6, 11, 12, 16, 21, 22 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich (U.S. Patent 5753417) in view of Tashiro (U.S. Patent Publication 2004/0257506).

Ulrich discloses a method of making a resist pattern comprising: placing a single layer of photoresist onto a substrate, directing light to the photoresist through a first mask, directing light to the photoresist through a second mask, wherein the second exposure has a higher level of light, and developing the photoresist layer to form interconnect and via patterns (Column 6, Line 20-Column 7, Line 55), as recited in claims 1 and 11 of the present invention. While Ulrich does not teach if the photoresist is positive or negative, it is clear from Figures 2-4 that the photoresist is positive. Since the same pattern is formed in the photoresist of Ulrich as compared to the present invention and the opposite type of photoresist is used, this means that the process of Ulrich would have to be the opposite of what is recited in the present invention. Therefore, the exposure dose being higher in the via area of Ulrich would be equivalent to the exposure dose being lower in the via area of the present invention, as recited in claims 1 and 11 of the present invention. Also, Ulrich shows in Figure 2 that the pattern of the first mask has a non-transmissive portion, which corresponds to the first portion of

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the present invention, and a transmissive portion, which corresponds to the second and third portions of the present invention. Ulrich shows in Figure 3 that the pattern of the second mask has a non-transmissive portion, which corresponds to the first and second portions of the present invention, and a transmissive portion, which corresponds to the third portion of the present invention. The first and second masks of Ulrich are the opposite of what is claimed in the present invention because the photoresist of Ulrich is positive, whereas the photoresist of the present invention is negative. If the photoresist of Ulrich were negative, then the masks would match what is claimed in claims 6 and 16 of the present invention. It is apparent from Figure 5 that the third portion is enclosed within the second portion, as recited in claim 12 of the present invention. When the masks are exposed together, they have transmissive, partially transmissive and non-transmissive portions that expose the three different portions of the resist, as stated in claim 29 of the present invention. In claim 6 of Ulrich, the steps of the process are written as if the order of the two exposures is not important as long as the interconnect and via patterns are formed at the end of the process. Therefore, the via area could be exposed first or second, as recited in claims 21 and 22 of the present invention.

Ulrich fails to disclose that a baking step forms a depression at the surface of the layer in the first or second portion of the layer.

Tashiro discloses an embodiment for forming a liquid crystal display device comprising: forming a photosensitive resin on a substrate surface, prebaking the substrate, irradiating the photosensitive resin with ultraviolet light, and a first and second bake that are used to form projections and depressions in the photosensitive resin layer (Paragraph 0206), as recited in claims 1 and 11 of the present invention.

It would have been obvious to one of ordinary skill in this art, at the time of invention by applicant, to have used the baking step to form the depression in the surface of the layer, as suggested by Tashiro, in the process of Ulrich because Tashiro teaches that a baking step can be used to form depressions in areas of a photosensitive layer that have been exposed to radiation, in order to produce a differently shaped pattern.

4. Claim 3-5, 23-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich (U.S. Patent 5753417) in view of Tashiro (U.S. Patent Publication 2004/0257506) as applied to claims 1, 6, 11, 12, 16, 21, 22 and 29 above, and further in view of Cauchi (U.S. Patent Application 2004/0101790).

The teachings of Ulrich and Tashiro have been discussed in paragraph 3 above.

Ulrich and Tashiro fail to disclose that the photoresist layer is baked at a temperature in the range of 80-120 degrees Celsius, that it is baked for up to five minutes, that the layer is baked after the first exposure and after the second exposure, and that the photoresist is negative.

Cauchi ('790) discloses a photoresist exposure process that has two exposures, each having a baking step afterwards (See Figure 2), as recited in claims 4, 5 and 23-26 of the present invention. Cauchi ('790) states that the baking takes place for 90 seconds at between 110 and 140 degrees Celsius (Paragraph 0027), which are within the ranges recited in claims 3, 27 and 28 of the present invention. Cauchi ('790) also states that a negative photoresist may be used in the process (Paragraph 0021), as recited in claim 30 of the present invention.

It would have been obvious to one of ordinary skill in this art, at the time of invention by applicant, to have modified the processes of Ulrich and Tashiro by having the baking step last in the range of 90 seconds long at a temperature around 110 to 140 degrees Celsius, as suggested by Cauchi ('790), because Cauchi ('790) teaches such temperature and time ranges lead to an improved pattern in a lithographic process using two exposures at different exposure doses. It also would have been obvious to one of ordinary skill in the art to have performed two baking steps, one after each exposure, as suggested by Cauchi ('790), because Cauchi ('790) teaches that the baking steps promote solubility so that the development step can form a desirable photoresist pattern. It also would have been obvious to one of ordinary skill in the art to have used a negative photoresist, as suggested by Cauchi ('790), because Cauchi ('790) teaches that both positive and negative photoresists can be used in photolithographic processes with two exposures.

5. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich (U.S. Patent 5753417) in view of Tashiro (U.S. Patent Publication 2004/0257506) as applied to claims 1, 6, 11, 12, 16, 21, 22 and 29 above, and further in view of Okoroanyanwu (U.S. Patent 6589713).

The teachings of Ulrich and Tashiro have been discussed in paragraph 3 above.

Ulrich and Tashiro fail to disclose that the void's lower portion and the depression have substantially circular cross-sections, the circumference of the void's lower portion is within the circumference of the depression, the depression has a generally parabolic shape, and the void's lower portion and the depression are substantially concentric.

Okoroanyanwu discloses a process for forming vias wherein radiation is provided through a mask to form an aperture, which can be circular in shape (Column 4, Line 35), as recited in claim 13 of the present invention. A step of etching is performed after this to form a circular hole within the aperture (Column 5, Lines 35-40), also recited in claim 13 of the present invention. When formed, the aperture can have a parabolic shape (See Figure 4), as recited in claim 14, and it is concentric with the circular hole (See Figure 15), as recited in claim 15.

It would have been obvious to one of ordinary skill in this art, at the time of invention by applicant, to have modified the methods of Ulrich and Tashiro by making the depression and void circular in shape, such as a parabolic shape for the depression, with the void lying within the depression, as suggested by Okoroanyanwu, because the purpose of the invention is to produce a fluid emitter and fluid is able to flow more easily through a shape with rounded edges. It would have also been obvious to have made the void and depression concentric, as suggested by Okoroanyanwu, because more fluid can be emitted at one time if the two have a common center.

6. Claims 31-36, 41-48, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich (U.S. Patent 5753417) in view of Tashiro (U.S. Patent Publication 2004/0257506), Okoroanyanwu (U.S. Patent 6589713), and/or Cauchi (U.S. Patent Application 2004/0101790) as applied to claims 1, 3-6, 11-16, and 21-30 above, and further in view of Makigaki (U.S. Patent 6863375).

The teachings of Ulrich, Tashiro, Okoroanyanwu and Cauchi ('790) have been discussed in paragraphs 3-5 above.

Ulrich, Tashiro, Okoroanyanwu and Cauchi ('790) fail to disclose forming a nozzle and counter bore in the photoresist layer.

Makigaki discloses a silicon nozzle plate that has nozzles each with a first nozzle portion and a second nozzle portion that both have circular cross-sections. The circular cross-section of the first nozzle is smaller than the circular cross-section of the second nozzle portion (Claim 1). The first and second nozzle portions are formed by patterning a resist film, formed on a substrate (Claim 2). Makigaki also discloses that an ink supply hole, which is assumed to be similar to a counter bore, can be formed at the bottom of the nozzle (Column 6, Line 33).

It would have been obvious to one of ordinary skill in this art, at the time of invention by applicant, to have modified the methods of Ulrich, Tashiro, Okoroanyanwu, and Cauchi ('790) by further forming a nozzle and counter bore in the layer, as suggested by Makigaki, because Makigaki teaches that it is known to make a fluid emitting nozzle photolithographically using photoresist films.

7. Claims 7-10, 17-20, 37-40, and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich (U.S. Patent 5753417), Tashiro (U.S. Patent Publication 2004/0257506), Okoroanyanwu (U.S. Patent 6589713), and/or Cauchi (U.S. Patent Application 2004/0101790) as applied to claims, 1, 3-6, 11-16, 21-36, 41-48 and 52.

The teachings of Ulrich, Tashiro, Okoroanyanwu, and Cauchi ('790) have been taught in paragraphs 3-5 above.

Ulrich, Tashiro, Okoroanyanwu, and Cauchi ('790) fail to teach the range of doses recited in claims 7-10, 17-20, and 37-40. They also fail to teach the range of sizes recited in claims 49-51.

It would have been obvious to one of ordinary skill in this art, at the time of invention by applicant, to have used the range of doses and range of sizes recited in the claims being rejected because the range of exposure doses depends on the photoresist being used and can be determined by one of ordinary skill in the art without undue experimentation to form the desired nozzle with the desired dimensions.

Response to Arguments

8. Applicant's arguments, filed 7/21/2008, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference.

Applicant argues that there is no reason to modify Tzu in view of Tashiro and that Tzu teaches away from modification in view of Tashiro. The reference, Ulrich, has replaced Tzu and teaches a double exposure process using two photomasks and two different exposure doses. While the process of Ulrich is opposite to that of the present invention, it is discussed above that this is due to the fact that the photoresist of Ulrich is positive while the photoresist of the present invention is negative. Since the two photoresists are opposite, then the processes must also be opposite in order to form equivalent patterns at the end of the process. It would be suitable to combine Ulrich and Tashiro because Ulrich is patterning a single layer of photoresist in order to form interconnect and via patterns, similar to the present invention. Ulrich does not require a clearly defined, sharp-edged pattern, as the reference, Tzu, did. It is also shown in Figure 4 of Ulrich that during different stages of development, the patterns can have rounded edges.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRITTANY RAYMOND whose telephone number is (571)272-6545. The examiner can normally be reached on Monday through Friday, 8:30 a.m. - 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark F. Huff/
Supervisory Patent Examiner, Art Unit 1795

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